

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

BENJAMIN ARCHULETA-ALLODIAL,

Plaintiff,

v.

STATE OF UTAH, JOHN BAXTER and
KEVEN ROSSETTI,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE**

Case No. 2:19-cv-00065-JNP-DBP

District Judge Jill N. Parrish

Magistrate Judge Dustin B. Pead issued a Report and Recommendation that the court dismiss plaintiff Benjamin Archuleta-Allodial's action for failure to state a claim. Judge Pead notified Archuleta-Allodial that a failure to file a timely objection to his recommendation could waive any objections to it. No objection was filed within the allotted time.

Because no party objected to the Report and Recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule and ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 8, is ADOPTED IN FULL.
2. The court DISMISSES this action WITH PREJUDICE.

DATED September 10, 2021.

BY THE COURT:



JILL N. PARRISH
United States District Judge